

**Government of the District of Columbia**  
**ZONING COMMISSION**



**ZONING COMMISSION ORDER NO. 953**  
**Case No. 01-23CP/16553**  
**(Campus Plan and Further Processing – George Washington University)**  
**January 14, 2002**

This Decision and Order arises out of an application by the George Washington University ("University" or "Applicant") for special exception approval pursuant to 11 DCMR § 3104.1, and in accordance with § 210 of the Zoning Regulations, for further processing under an approved campus plan to authorize the enclosure of two terraces on the Smith Hall School of Art located on the campus of the University at premises 801 22<sup>nd</sup> Street, N.W. (Square 77, Lot 59).

**HEARING DATE:** December 13, 2001

**DECISION DATE:** January 14, 2002

**SUMMARY ORDER**

The Commission incorporated the record of Case No. 01-23CP/16553, two previously heard George Washington University further processing cases (Case Nos. 01-20CP/16553 and 01-21CP/16553), as well as further processing Case No. 01-25CP/16553, which was heard jointly with this case, into the record of this case.

Advisory Neighborhood Commission ("ANC") 2A was an automatic party in this proceeding. The Commission did not receive other requests for party status.

The Applicant submitted a plan for developing the campus as a whole, showing the location, height and bulk of all present and proposed improvements as required by 11 DCMR § 210.4, hereinafter the "approved Campus Plan For The George Washington University For Years 2000 Through 2010" or the "approved Campus Plan". The Board of Zoning Adjustment approved the plan by order dated March 29, 2001. The Board clarified that order, on remand, by order dated December 11, 2001. The Board's order of March 29, 2001, and the remand order of December 11, 2001, directs the University to take decisive steps to house 70% of its full-time undergraduate students within the campus boundaries. To that end, the remand order directs the University to provide beds for at least 5,600 full-time undergraduate students on campus, or outside of the Foggy Bottom/West End area, no later than August 31, 2002. In addition, beginning in August 2002, the remand order further directs the University to provide one bed on campus, or outside of the Foggy Bottom/West End area, for each full-time undergraduate student in excess of the University enrollment of 8,000. The remand order further directs the University to meet the aforementioned housing requirements exclusively by on-campus housing no later than August 31, 2006.

The Applicant proposes to enclose two terraces on the Smith Hall of Art which is part of the Academic Center building located at 801 22<sup>nd</sup> Street, N.W. in Square 77 (bounded by 22<sup>nd</sup> Street, H Street, 21<sup>st</sup> Street, and Eye Street, N.W.) Smith Hall houses the School of Art and occupies the southwest corner of the Academic Center at the corner of 22<sup>nd</sup> and H Streets, N.W.

Square 77 is zoned R-5-D. The R-5-D District permits general residential uses of high density, including one-family dwellings, flats, and apartment buildings. Certain institutional uses, including colleges and universities, are also permitted in a R-5-D District with Zoning Commission approval. The R-5-D District permits development up to a maximum height of 90 feet, a maximum floor ratio (FAR) of 3.5, and a maximum lot occupancy of 75%.

The project proposes to enclose two rooftop terraces on the circa 1979 Smith Hall of Art on 22<sup>nd</sup> Street between H and I Streets. The existing building has several terraces on various levels, and the building height ranges from two to five stories.

The proposed enclosures will match the existing brick spandrels, glass curtain wall, and other finishes to be compatible with the original building design. The proposed total new building area is 1,791 square feet.

On the north side, facing the entrance plaza to Smith Hall and the attached Academic Center, approximately 1,109 square feet of terrace at the fourth floor will be enclosed as a high-bay space for a painting studio. The painting studio is needed to allow for larger canvas painting by Art Department students and faculty. A small terrace aligning with the fifth floor will be notched out of the enclosure volume for outdoor painting and will be accessed via an interior bridge from the existing fifth floor art studios. The roof of the enclosure will align with the existing roof of the fifth floor.

On the south side, approximately 682 square feet of terrace at the fourth floor will be enclosed and existing interior partitions will be reconfigured to provide a computer graphics studio. The roof of this space will align with the adjacent fourth floor roof. Both enclosures are intended to blend in with the existing building.

The University's architect, who was recognized as an expert by the Commission, testified that the enclosures would have no adverse impact on any nearby buildings.

The Applicant submitted evidence to demonstrate that the proposed project is consistent with both the Comprehensive Plan and the University's Campus Plan. The Land Use Map Element of the Comprehensive Plan designates the subject property for institutional use which is defined as land and facilities used by hospitals, colleges, and universities. The recently approved Campus Plan designates Smith Hall for academic/administrative use. The proposed enclosures will not change the existing academic use of the building.

The Applicant indicated that the proposed project satisfies all the requirements for the requested special exception as set forth in §§ 3104 and 210 of the Zoning Regulations, and that the proposed enclosures will not add a significant amount of space to the existing building nor affect the existing height or lot occupancy of the building.

The Applicant proffered that existing FAR of 2.87 will be increased only slightly with the proposed enclosures and it will not affect the 3.5 limit campus-wide. A certification to this effect was submitted with the filing of this application. The new space will serve existing academic programs, students, and faculty and will not adversely impact surrounding uses or buildings.

By memorandum dated December 4, 2001, and by oral testimony at the December 13, 2001, public hearing, the D.C. Office of Planning concluded that the enclosures will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring properties. The Office of Planning recommended approval of the proposed enclosures.

By resolution dated November 13, 2001, the Foggy Bottom and West End Advisory Neighborhood Commission (ANC-2A) stated that it does not oppose the proposed enclosures and the creation of classrooms from them.

#### **Findings of Fact:**

1. The Commission finds that the University has met the requisite burden of proof as set forth in §§ 210 and 3104.1 of the Zoning Regulations. The proposed enclosure and use of the terraces at Smith Hall will not tend to adversely affect the use of neighboring properties nor become objectionable to neighboring properties because of noise, number of students or vehicular traffic. In so finding, the Commission credits the expert testimony and record evidence of the University's architect and the findings and recommendations of the D.C. Office of Planning.
2. The Commission further finds that the University has submitted into the record a suitable statement discussing the status of the conditions imposed by the BZA in its order of March 29, 2001, and its remand order of December 11, 2001.

#### **Conclusions of Law:**

1. Based on the Findings of Fact and the evidence of record, the University is seeking a special exception under § 210 of the Zoning Regulations for further processing under an existing campus plan authorizing the enclosure and use of two terraces on Smith Hall on the campus of the University at 801 22nd Street, N.W. The granting of this relief requires compliance with the provisions of §§ 210 and 3104.1 of the Zoning Regulations. The Commission concludes that the University has met its burden of proof.
2. The Commission further concludes that the proposed project is located so as not to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions. The Commission further concludes that the project will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps.

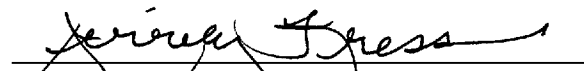
3. The Commission concludes that it has accorded ANC-2A the "great weight" to which it is entitled. Accordingly, it is ordered that the application is **Granted**.

**VOTE:**                      **4-0-1**                      (Peter G. May, Carol J. Mitten, James H. Hannaham, and Anthony J. Hood to approve; John G. Parsons not present, not voting)

**BY ORDER OF THE ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**

Each concurring member has approved the issuance of this Summary Order.

**ATTESTED BY:**

  
JERRILY R. KRESS, FAIA  
Director

**FINAL DATE OF ORDER:** APR - 3 2002

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURES AND RENOVATIONS WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999 Repl.). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.